

REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups I-IV do not relate to a single and general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: a special technical feature of Group II is the nucleic acid (SEQ ID No.: 29), which is not shared by Group I and the special technical feature of Group I is phospholipase A2 or the polypeptide sequence of SEQ ID No.: 30 which is not shared by Group II.

However, it can be seen under Annex B on page AI-63 et seq. that the claims of Groups I and II are related as being claims in the same category of invention. Specifically, example 17 on page AI-70 sets forth a claim to protein X and a separate claim to DNA sequence encoding protein X. The example states that expression of the DNA sequence and a host results in the production of a protein which is determined by the DNA sequence. The protein and the DNA sequence exhibit corresponding special technical features. Unity between the claims is accepted. Therefore, it can be seen under PCT Rule 13.2 that Groups I and II share the same corresponding special technical feature in the protein of Group I and the DNA which encodes the protein of Group I in the DNA of Group II and, as such, should be rejoined and examined in the present application.

Further, the special technical feature of Group I and Group III can clearly be seen to be the protein of Group I and, as such, it is submitted that Group III should also be rejoined with Groups I and II and examined in the present application.

Further, it can be seen that the special technical feature of Group IV is the protein of Group I and, therefore, the claims of Group IV should also be rejoined with the claims of Groups I, II and III and examined in the present application.

Application No. 10/088,092
Reply to Restriction Requirement of June 3, 2004

Finally, if the claims of Group I are ultimately found allowable, it is requested that method claims involving making and/or using the protein of Group I be rejoined under M.P.E.P. §821.04 and allowed in this application, also.

Accordingly, for the reasons presented above, Applicants submit that the Patent and Trademark Office has failed to meet the burden necessary to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
REM/ajf



Roland E. Martin
Registration No. 48,082